

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILLS NOS. 924, 714, 685, 756,
734 & 518**
91ST GENERAL ASSEMBLY

Reported from the Committee on Transportation, March 15, 2001, with recommendation that the House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 & 518 Do Pass.

TED WEDEL, Chief Clerk

2090L.04C

AN ACT

To repeal sections 142.803, 144.020, 144.440, 144.700, 144.805, 226.200, 227.100, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.302, 302.505, 302.510, 302.520, 302.541, 304.012, 556.061, 577.010, 577.012, 577.020 and 577.037, RSMo 2000, and to enact in lieu thereof thirty-two new sections relating to transportation and public infrastructure, with penalty provisions and a referendum clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 142.803, 144.020, 144.440, 144.700, 144.805, 226.200, 227.100, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.302, 302.505, 302.510, 302.520, 302.541, 304.012, 556.061, 577.010, 577.012, 577.020 and 577.037, RSMo 2000, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 142.803, 142.804, 144.020, 144.440, 144.700, 144.805, 226.200, 226.1000, 226.1010, 227.025, 227.100, 227.107, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.302, 302.505, 302.510, 302.520, 302.541, 304.012, 556.061, 577.010, 577.012, 577.020 and 577.037, to read as follows:

142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel, seventeen cents per gallon. [Beginning April 1, 2008,] **Upon the effective date of the motor fuel tax levied and imposed pursuant to section 142.804,** the tax

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 rate **pursuant to this section** shall become eleven cents per gallon;

6 (2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with
7 a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly
8 sold or measured by the gallon, is used in motor vehicles on the highways of this state, the
9 director is authorized to assess and collect a tax upon such alternative fuel measured by the
10 nearest power potential equivalent to that of one gallon of regular grade gasoline. The
11 determination by the director of the power potential equivalent of such alternative fuel shall be
12 prima facie correct;

13 (3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per
14 gallon as levied and imposed by section 155.080, RSMo, to be collected as required under this
15 chapter.

16 2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be
17 precollected as described in this chapter, for the facility and convenience of the consumer. The
18 levy and assessment on other persons as specified in this chapter shall be as agents of this state
19 for the precollection of the tax.

**142.804. 1. In addition to the tax levied and imposed pursuant to subdivision (1)
2 of subsection 1 of section 142.803, an additional tax of nine cents per gallon is hereby levied
3 and imposed on motor fuel.**

4 **2. The additional tax is imposed upon the ultimate consumer, but is to be**
5 **precollected as described in this chapter, for the facility and convenience of the consumer.**
6 **The levy and assessment on other persons as specified in this chapter shall be as agents of**
7 **this state for the precollection of the tax.**

144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of
2 engaging in the business of selling tangible personal property or rendering taxable service at
3 retail in this state. The rate of tax shall be as follows:

4 (1) Upon every retail sale in this state of tangible personal property, a tax equivalent to
5 four **and three-fourths** percent of the purchase price paid or charged, or in case such sale
6 involves the exchange of property, a tax equivalent to four **and three-fourths** percent of the
7 consideration paid or charged, including the fair market value of the property exchanged at the
8 time and place of the exchange, except as otherwise provided in section 144.025;

9 (2) A tax equivalent to four **and three-fourths** percent of the amount paid for admission
10 and seating accommodations, or fees paid to, or in any place of amusement, entertainment or
11 recreation, games and athletic events;

12 (3) A tax equivalent to four **and three-fourths** percent of the basic rate paid or charged
13 on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic,
14 commercial or industrial consumers;

15 (4) A tax equivalent to four **and three-fourths** percent on the basic rate paid or charged
16 on all sales of local and long distance telecommunications service to telecommunications
17 subscribers and to others through equipment of telecommunications subscribers for the
18 transmission of messages and conversations and upon the sale, rental or leasing of all equipment
19 or services pertaining or incidental thereto; except that, the payment made by
20 telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid
21 for access to the Internet or interactive computer services shall not be considered as amounts paid
22 for telecommunications services;

23 (5) A tax equivalent to four **and three-fourths** percent of the basic rate paid or charged
24 for all sales of services for transmission of messages of telegraph companies;

25 (6) A tax equivalent to four **and three-fourths** percent on the amount of sales or charges
26 for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating
27 house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or
28 drinks are regularly served to the public;

29 (7) A tax equivalent to four **and three-fourths** percent of the amount paid or charged
30 for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car,
31 boat, airplane and such buses and trucks as are licensed by the division of motor carrier and
32 railroad safety of the department of economic development of Missouri, engaged in the
33 transportation of persons for hire;

34 (8) A tax equivalent to four **and three-fourths** percent of the amount paid or charged
35 for rental or lease of tangible personal property, provided that if the lessor or renter of any
36 tangible personal property had previously purchased the property under the conditions of "sale
37 at retail" as defined in subdivision (8) of section 144.010 or leased or rented the property and the
38 tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall
39 not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from
40 that property. The purchase or use of motor vehicles, trailers, boats, and outboard motors shall
41 be taxed and the tax paid as provided in sections 144.070 and 144.440. No tax shall be collected
42 on the rental or lease of motor vehicles, trailers, boats, and outboard motors, except as provided
43 in sections 144.070 and 144.440. In no event shall the rental or lease of boats and outboard
44 motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or
45 recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such
46 places of amusement, entertainment or recreation. Rental and leased boats or outboard motors
47 shall be taxed under the provisions of the sales tax laws as provided under such laws for motor
48 vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under
49 section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease
50 or rental thereof.

51 2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525
52 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the
53 words "This ticket is subject to a sales tax."

 144.440. 1. In addition to all other taxes now or hereafter levied and imposed upon
2 every person for the privilege of using the highways or waterways of this state, there is hereby
3 levied and imposed a tax equivalent to four **and three-fourths** percent of the purchase price, as
4 defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers,
5 boats, and outboard motors purchased or acquired for use on the highways or waters of this state
6 which are required to be registered under the laws of the state of Missouri.

7 2. At the time the owner of any such motor vehicle, trailer, boat, or outboard motor
8 makes application to the director of revenue for an official certificate of title and the registration
9 of the same as otherwise provided by law, he shall present to the director of revenue evidence
10 satisfactory to the director showing the purchase price paid by or charged to the applicant in the
11 acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle,
12 trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle,
13 trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or
14 cause to be paid to the director of revenue the tax provided herein.

15 3. In the event that the purchase price is unknown or undisclosed, or that the evidence
16 thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by
17 the director.

18 4. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard
19 motor unless the tax for the privilege of using the highways or waters of this state has been paid
20 or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection
21 5 of this section.

22 5. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used
23 exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020
24 at the time of registration or in lieu thereof may pay a use tax as provided in sections 144.010,
25 144.020, 144.070 and 144.440. A use tax shall be charged and paid on the amount charged for
26 each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is
27 domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an
28 affidavit to that effect in such form as the director of revenue shall require and shall remit the tax
29 due at such times as the director of revenue shall require.

30 6. In the event that any leasing company which rents or leases motor vehicles, trailers,
31 boats, or outboard motors elects to collect a use tax, all of its lease receipt would be subject to
32 the use tax, regardless of whether or not the leasing company previously paid a sales tax when
33 the vehicle, trailer, boat, or outboard motor was originally purchased.

34 7. The provisions of this section, and the tax imposed by this section, shall not apply to
35 manufactured homes.

144.700. 1. All revenue received by the director of revenue from the tax imposed by
2 sections 144.010 to 144.430 and 144.600 to 144.745, except that revenue derived from the rate
3 of one cent on the dollar of the tax which shall be held and distributed in the manner provided
4 in sections 144.701 and 163.031, RSMo, **and except that revenue derived from the rate of**
5 **one-fourth of one percent of the tax which shall be held and distributed in the manner**
6 **prescribed in section 226.1010, RSMo**, shall be deposited in the state general revenue fund,
7 including any payments of the taxes made under protest.

8 2. The director of revenue shall keep accurate records of any payment of the tax made
9 under protest. In the event any payment shall be made under protest:

10 (1) A protest affidavit shall be submitted to the director of revenue within thirty days
11 after the payment is made; and

12 (2) An appeal shall be taken in the manner provided in section 144.261 from any
13 decision of the director of revenue disallowing the making of the payment under protest or an
14 application shall be filed by a protesting taxpayer with the director of revenue for a stay of the
15 period for appeal on the ground that a case is presently pending in the courts involving the same
16 question, with an agreement by the taxpayer to be bound by the final decision in the pending
17 case.

18 3. Nothing in this section shall be construed to apply to any refund to which the taxpayer
19 would be entitled under any applicable provision of law.

20 4. All payments deposited in the state general revenue fund that are made under protest
21 shall be retained in the state treasury if the taxpayer does not prevail. If the taxpayer prevails,
22 then taxes paid under protest shall be refunded to the taxpayer, with all interest income derived
23 therefrom, from funds appropriated by the general assembly for such purpose.

144.805. 1. In addition to the exemptions granted pursuant to the provisions of section
2 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to
3 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any
4 local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax
5 levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748,
6 and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section
7 32.085, RSMo, all sales of aviation jet fuel in a given calendar year to common carriers engaged
8 in the interstate air transportation of passengers and cargo, and the storage, use and consumption
9 of such aviation jet fuel by such common carriers, if such common carrier has first paid to the
10 state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes
11 pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption

12 of such aviation jet fuel in a maximum and aggregate amount of one million five hundred
13 thousand dollars of state sales and use taxes in such calendar year.

14 2. To qualify for the exemption prescribed in subsection 1 of this section, the common
15 carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant
16 to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The
17 director of revenue shall permit any such common carrier to enter into a direct-pay agreement
18 with the department of revenue, pursuant to which such common carrier may pay directly to the
19 department of revenue any applicable sales and use taxes on such aviation jet fuel up to the
20 maximum aggregate amount of one million five hundred thousand dollars in each calendar year.
21 The director of revenue shall adopt appropriate rules and regulations to implement the provisions
22 of this section, and to permit appropriate claims for refunds of any excess sales and use taxes
23 collected in calendar year 1993 or any subsequent year with respect to any such common carrier
24 and aviation jet fuel.

25 3. The provisions of this section shall apply to all purchases and deliveries of aviation
26 jet fuel from and after May 10, 1993.

27 4. Effective September 1, 1998, all sales and use tax revenues upon aviation jet fuel
28 received pursuant to this chapter, less the amounts specifically designated pursuant to the
29 constitution or pursuant to section 144.701, for other purposes, shall be deposited to the credit
30 of the aviation trust fund established pursuant to section 305.230, RSMo[; provided however,
31 the amount of such state sales and use tax revenues deposited to the credit of such aviation trust
32 fund shall not exceed five million dollars in each calendar year.

33 5. The provisions of this section and section 144.807 shall expire on December 31,
34 2003].

226.200. 1. There is hereby created a "[State Highways and] Transportation Department
2 Fund" into which shall be paid or transferred all state revenue derived from highway users as an
3 incident to their use or right to use the highways of the state, including all state license fees and
4 taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the
5 privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales
6 tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held
7 for expenditure by or under the department of transportation or the [state highways and]
8 transportation commission, except:

9 (1) Money arising from the sale of bonds;

10 (2) Money received from the United States government; or

11 (3) Money received for some particular use or uses other than for the payment of
12 principal and interest on outstanding state road bonds.

13 2. Subject to the limitations of subsection 3 of this section, from said fund shall be paid

14 or credited the cost:

15 (1) [Of collection of all said state revenue derived from highway users as an incident to
16 their use or right to use the highways of the state;

17 (2)] Of maintaining the [state highways and] transportation commission;

18 [(3)] (2) Of maintaining the state transportation department;

19 [(4)] (3) Of any workers' compensation for state transportation department employees;

20 **and**

21 [(5)] (4) Of the share of the transportation department in any [retirement] **fringe benefit**
22 program for state employees, only as may be provided by law[; and

23 (6) Of administering and enforcing any state motor vehicle laws or traffic regulations].

24 3. [For all future fiscal years,] The total amount of appropriations from the [state
25 highways and] transportation department fund for all state offices and departments shall [not
26 exceed the total amount appropriated for such offices and departments from said fund] **be zero**
27 **for the first full fiscal year [2001] following voter approval and all fiscal years thereafter.**

28 4. The provisions of subsection 3 of this section shall not apply to appropriations from
29 the [state highways and] transportation department fund to the [highways and] transportation
30 commission and the state transportation department or to appropriations to the office of
31 administration for department of transportation employee fringe benefits and OASDHI payments,
32 or to appropriations to the department of revenue for motor vehicle fuel tax refunds [under]
33 **pursuant to** chapter 142, RSMo, or to appropriations to the department of revenue for refunds
34 or overpayments or erroneous payments from the [state highways and] transportation department
35 fund.

36 5. All interest earned upon the [state highways and] transportation department fund shall
37 be deposited in and to the credit of such fund.

38 6. Any balance remaining in said fund after payment of said costs shall be transferred
39 to the state road fund.

40 7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any
41 funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo,
42 after April 1, 1992, shall not be used for administrative purposes or administrative expenses of
43 the transportation department.

**226.1000. 1. The revenue derived from the remaining one-half of the proceeds from
2 the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles
3 which is not dedicated for highway and transportation use pursuant to subsection 2 of
4 section 30(b) of article IV of the Missouri Constitution, except that revenue derived from
5 the rate of one cent on the dollar of the tax which shall be held and distributed in the
6 manner provided in sections 144.701 and 163.031, RSMo, shall be deposited by the state**

7 treasurer as follows:

8 (1) Eighty percent of the moneys to the "Public Transit Fund" which is hereby
9 established in the state treasury. Notwithstanding the provisions of section 33.080, RSMo,
10 to the contrary, moneys in the public transit fund shall not revert to the general revenue
11 fund. All interest received on the public transit fund shall be credited to the fund. Moneys
12 in the fund are to be used for the purpose of planning, locating, relocating, establishing,
13 acquiring, constructing, administering, developing, maintaining or operating public transit
14 systems in the state.

15 (2) Twenty percent of the moneys to the "Multimodal Fund", which is hereby
16 established in the state treasury.

17

18 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the
19 multimodal fund shall not revert to the general revenue fund. All interest received on the
20 multimodal fund shall be credited to the fund. Moneys in the fund are to be used for the
21 purpose of paying for transportation projects other than highway projects and public
22 transit projects, including but not limited to projects for aviation, railroads, ports,
23 waterborne commerce, and multimodal transportation centers.

24 2. Expenditure of funds from the public transit fund and the multimodal fund shall
25 be subject to appropriation by the general assembly.

226.1010. 1. The revenue derived from the rate of one-fourth of one percent of the
2 taxes imposed by sections 144.010 to 144.030, RSMo, and sections 144.600 to 144.745,
3 RSMo, shall be deposited by the state treasurer as follows:

4 (1) One-fourth of the moneys to the "State-Local Cooperation Fund" which is
5 hereby established in the state treasury. Notwithstanding the provisions of section 33.080,
6 RSMo, to the contrary, moneys in the state-local cooperation fund shall not revert to the
7 general revenue fund. All interest received on the state-local cooperation fund shall be
8 credited to the fund. Subject to appropriation, the secretary, with input from the ex officio
9 members of the transportation commission, may award grants from the fund to any county
10 commission or to any municipal corporation for locally identified transportation projects,
11 including, but not limited to, transportation improvement projects on the state highway
12 system or off-system transportation improvements, related to economic development or
13 public safety. The secretary shall, as a condition precedent to making a grant, require such
14 county or municipal corporation to provide funding for a portion of the project costs in an
15 amount or percentage to be determined by the secretary in its discretion; provided,
16 however, such amount shall not exceed fifty percent of the total cost of the project.

17 (2) The remaining three-fourths of the moneys to the "Interstate Improvement

18 **Fund" which is hereby established in the state treasury. Notwithstanding the provisions**
19 **of section 33.080, RSMo, to the contrary, moneys in the interstate improvement fund shall**
20 **not revert to the general revenue fund. All interest received on the interstate improvement**
21 **fund shall be credited to the fund. Fund revenues may be used for principal and interest**
22 **payments on bonds, maintenance, preservation, improvement, construction and**
23 **reconstruction of the state's interstate highway system. The department of transportation**
24 **may request appropriations from the interstate improvement fund through its annual**
25 **budget submission. Accompanying any such requests, the department shall provide a plan**
26 **detailing the proposed uses of the moneys including such information as the governor and**
27 **general assembly may require for evaluation purposes.**

227.025. The transportation department shall be responsible for the maintenance
2 of the surface of the traveled portion of up to forty center-line miles of arterial highways
3 in any city not within a county which are functionally classified as of January 1, 1999, by
4 the department of transportation as principal arterial highways and which continue
5 outside of the city limits of such city as state highways. Such city shall be responsible for
6 the maintenance of all rights-of-way located within the city limits of such city which are
7 adjacent to the traveled portion of said principal arterial highways. The secretary shall
8 not be responsible for any utilities located under the traveled portion or located on the
9 right-of-way of any such principal arterial highway located within the city limits of such
10 city.

227.100. 1. All contracts for the construction of said work shall be let to the lowest
2 responsible bidder or bidders after notice and publication of an advertisement in a newspaper
3 published in the county where the work is to be done, and in such other publications as the
4 [commission] **secretary** may determine[]; provided, that in all cases where the project advertised
5 shall be for the construction of more than ten miles of road, such advertisement shall provide for
6 bids on sections of said road not to exceed ten miles, as well as on the project as a whole, and
7 such contract shall then be let so as to provide for the most economical construction of said
8 project].

9 2. Each bid shall be accompanied by a certified check or a cashier's check or a bid bond,
10 guaranteed by a surety company authorized by the director of the department of insurance to
11 conduct surety business in the state of Missouri, equal to five percent of the bid, which certified
12 check, cashier's check, or bid bond shall be deposited with the commissioner as a guaranty and
13 forfeited to the state treasurer to the credit of the state road fund in the event the successful
14 bidder fails to comply with the terms of the proposal, and return to the successful bidder on
15 execution and delivery of the performance bond provided for in subsection 4. The checks of the
16 unsuccessful bidders shall be returned to them in accordance with the terms of the proposal.

17 3. All notices of the letting of contracts under this section shall state the time and place
18 when and where bids will be received and opened, and all bids shall be sealed and opened only
19 at the time and place mentioned in such notice and in the presence of some member of the
20 [commission] **secretary** or some person named by the [commission] **secretary** for such purpose.

21 4. The successful bidders for the construction of said work shall enter into contracts
22 furnished and prescribed by the [commission] **secretary** and shall give good and sufficient bond,
23 in a sum equal to the contract price, to the state of Missouri, with sureties approved by the
24 [commission] **secretary** and to ensure the proper and prompt completion of said work in
25 accordance with the provisions of said contracts, and plans and specifications; provided, that if,
26 in the opinion of the majority of the members of the [commission] **secretary**, the lowest bid or
27 bids for the construction of any of the roads, or parts of roads, herein authorized to be
28 constructed, shall be excessive, then, and in that event, said [commission] **secretary** shall have
29 the right, and it is hereby empowered and authorized to reject any or all bids, and to construct,
30 under its own direction and supervision, all of such roads and bridges, or any part thereof.

227.107. 1. As used in this section, the following terms shall mean:

2 **(1) "Design-build highway project contract", the procurement of all materials and**
3 **services necessary for the design, construction, reconstruction, improvement or**
4 **maintenance of a highway project in a single contract with a person or persons capable of**
5 **providing the necessary materials and services;**

6 **(2) "Design-build prequalification review team" or "review team", a team**
7 **authorized by the secretary to make recommendations to the commission on persons who**
8 **are qualified to bid on a design-build project. The review team shall be comprised of four**
9 **representatives from the department of transportation, one representative from the**
10 **Associated General Contractors of Missouri and one representative from the consulting**
11 **engineers council of Missouri;**

12 **(3) "Highway project", the construction, establishment or maintenance of highways**
13 **or bridges;**

14 **(4) "Person", individuals, corporations, partnerships, joint ventures, limited**
15 **liability companies or other business organizations.**

16 **2. As an alternative to the requirements and procedures specified in sections**
17 **227.040 to 227.100, the secretary may enter into design-build highway project contracts.**
18 **The first design-build highway project shall be a pilot project located on the interstate**
19 **highway system. Subsequent design-build highway projects will be selected from interstate**
20 **highway and bridge projects in the five-year plan or any highway or bridge project that**
21 **is deemed by the secretary to be an emergency project.**

22 **3. In using a design-build highway project contract, the secretary shall prequalify**

23 persons based on recommendations submitted by the design-build prequalification review
24 team before the persons will be allowed to bid on a project. Such prequalification shall be
25 conducted as follows:

26 (1) The secretary shall give public notice of a request for qualifications in at least
27 two public newspapers that are distributed wholly or in part in this state and in at least one
28 construction industry trade publication that is distributed nationally;

29 (2) The secretary shall issue a request for qualifications to all persons requesting
30 one in accordance with the instructions in the public notice. In the request for
31 qualifications, the secretary may require that all persons submit information in a
32 prescribed format demonstrating their relevant design and construction qualifications and
33 experience, financial capacity, and capability of obtaining performance and payment
34 bonds and insurance coverage specified by the secretary, ability to comply with all
35 applicable federal, state and local laws and regulations and such other qualifications that
36 the secretary considers to be in the best interest of the state;

37 (3) The secretary may investigate and verify all information submitted. All
38 financial information, trade secrets or other information customarily regarded as
39 confidential business information submitted to or obtained by the secretary during the
40 contracting process set forth in this section shall be protected from disclosure pursuant to
41 the provisions of section 227.105 and section 610.021, RSMo;

42 (4) The review team shall evaluate and rate all persons submitting responsive
43 statements of qualifications. Based upon such ratings, the review team shall make a
44 recommendation to the secretary as to which persons should be selected to receive requests
45 for proposals;

46 (5) The review team may recommend any number of persons to receive requests
47 for proposals, provided that if the review team fails to receive at least three responsive
48 submissions from persons considered qualified by the review team, the review team shall
49 notify the secretary. The secretary may then readvertise the project.

50 4. The secretary shall issue a request for proposals to all persons prequalified in
51 accordance with subsection 3 of this section. The request for proposals shall set forth:

52 (1) The scope of work, contract specifications, work requirements and other
53 requirements that have a substantial impact on the cost of the work as determined by the
54 secretary; and

55 (2) Criteria to be used by the secretary to determine whether proposals are
56 responsive and a description of the criteria and procedures to be used to evaluate
57 proposals.

58 5. Proposals must consist of two separate components to be submitted to the

59 secretary simultaneously but separately:

60 (1) A sealed design-build proposal; and

61 (2) A sealed lump sum price proposal.

62

63 The secretary shall evaluate and score responsive design-build proposals based upon
64 criteria that may include proposed design, constructability, long-term maintenance costs,
65 aesthetics, local impact, travel and other user costs and other factors that the commission
66 considers to be in the best interest of the state. The secretary shall then publicly open and
67 read responsive lump sum price proposals and divide each price by the score of that
68 person's design-build proposal, yielding an overall value rating for each person. The
69 secretary may award the contract to the person with the lowest responsive overall value
70 rating and the secretary's award decision is final and is not subject to review or appeal.
71 The secretary may also reject any or all proposals for design-build highway project
72 contracts for any reason.

73 6. The secretary may require approval of any person performing subcontract work
74 on a design-build highway project contract.

75 7. The bid bond and performance bond requirements of section 227.100 and the
76 payment bond requirements of section 107.170, RSMo, shall apply to a design-build
77 highway project contract.

78 8. A design-build project contract may be for construction or work of greater than
79 ten miles of road.

80 9. The secretary shall prescribe the form of the contracts for the work.

81 10. The secretary is empowered to make all final decisions concerning the
82 performance of the work under its contracts, including claims for additional time and
83 compensation.

84 11. The provisions of sections 8.285 to 8.291, RSMo, shall not apply to the
85 procurement of architectural, engineering or land surveying services for a design-build
86 highway project contract; except that any person providing architectural, engineering or
87 land surveying services for a design-build highway project contract must be licensed in
88 Missouri to provide such services.

89 12. The secretary is authorized to pay a fee to all responsive bidders who are not
90 awarded a design-build highway project. The fee and criteria for responsiveness shall be
91 set forth in the request for qualification and request for proposals issued by the
92 commission. In the event the secretary rejects all bid proposals for a design-build highway
93 project, the secretary may subsequently submit a new request for proposal on the
94 previously rejected design-build highway project. Any person who receives a fee pursuant

95 **to this section for a responsive bid on the rejected design-build highway project is**
 96 **prohibited from receiving a fee for a responsive bid on the subsequent design-build**
 97 **highway project.**

301.055. The annual registration fee for motor vehicles other than commercial motor
 2 vehicles is:

3	Less than 12 horsepower	\$[18.00]	24.00
4	12 horsepower and less than 24 horsepower	[21.00]	28.00
5	24 horsepower and less than 36 horsepower	[24.00]	32.00
6	36 horsepower and less than 48 horsepower	[33.00]	44.00
7	48 horsepower and less than 60 horsepower	[39.00]	52.00
8	60 horsepower and less than 72 horsepower	[45.00]	60.00
9	72 horsepower and more	[51.00]	68.00
10	Motorcycles	[8.50]	11.50
11	Motortricycles	[10.00]	13.50

301.057. The annual registration fee for property-carrying commercial motor vehicles,
 2 not including property-carrying local commercial motor vehicles, or land improvement
 3 contractors' commercial motor vehicles, based on gross weight is:

4	6,000 pounds and under	\$ [25.50]	34.00
5	6,001 pounds to 9,000 pounds	[38.00]	50.50
6	9,001 pounds to 12,000 pounds	[38.00]	50.50
7	12,001 pounds to 18,000 pounds	[63.00]	84.00
8	18,001 pounds to 24,000 pounds	[100.50]	134.00
9	24,001 pounds to 26,000 pounds	[127.00]	169.00
10	26,001 pounds to 30,000 pounds	[180.00]	239.50
11	30,001 pounds to 36,000 pounds	[275.50]	366.50
12	36,001 pounds to 42,000 pounds	[413.00]	549.50
13	42,001 pounds to 48,000 pounds	[550.50]	732.00
14	48,001 pounds to 54,000 pounds	[688.00]	915.00
15	54,001 pounds to 60,010 pounds	[825.50]	1,098.00
16	60,011 pounds to 66,000 pounds	[1,100.50]	1,464.00
17	66,001 pounds to 73,280 pounds	[1,375.50]	1,829.50
18	73,281 pounds to 78,000 pounds	[1,650.50]	2,195.00
19	Over 78,000 pounds	[1,719.50]	2,287.00

301.058. 1. The annual registration fee for property-carrying local commercial motor
 2 vehicles, other than a land improvement contractors' commercial motor vehicles, based on gross
 3 weight is:

4	6,000 pounds and under	\$ [15.50] 20.50
5	6,001 pounds to 12,000 pounds	[18.00] 24.00
6	12,001 pounds to 18,000 pounds	[20.50] 27.50
7	18,001 pounds to 24,000 pounds	[27.50] 36.50
8	24,001 pounds to 26,000 pounds	[33.50] 44.50
9	26,001 pounds to 30,000 pounds	[45.50] 60.50
10	30,001 pounds to 36,000 pounds	[67.50] 90.00
11	36,001 pounds to 42,000 pounds	[100.50] 133.50
12	42,001 pounds to 48,000 pounds	[135.50] 180.00
13	48,001 pounds to 54,000 pounds	[170.50] 227.00
14	54,001 pounds to 60,010 pounds	[200.50] 266.50
15	60,011 pounds to 66,000 pounds	[270.50] 360.00
16	66,001 pounds to 72,000 pounds	[335.50] 446.00
17	Over 72,000 pounds	[350.50] 466.00

18 2. Any person found to have improperly registered a motor vehicle in excess of fifty-four
19 thousand pounds when he was not entitled to shall be required to purchase the proper license
20 plates and, in addition to all other penalties provided by law, shall be subject to the annual
21 registration fee for the full calendar year for the vehicle's gross weight as prescribed in section
22 301.057.

301.059. The annual registration fee for passenger-carrying commercial motor vehicles		
2	(not including passenger-carrying local commercial motor vehicles, school buses or local transit	
3	buses) based on seating capacity is:	
4	10 passengers or less	\$ [100.50] 133.50
5	11 to 18 passengers	[180.50] 240.00
6	19 to 25 passengers	[250.50] 333.00
7	26 to 29 passengers	[290.50] 386.50
8	30 to 33 passengers	[330.50] 439.50
9	34 to 37 passengers	[370.50] 493.00
10	38 to 41 passengers	[410.50] 546.00
11	42 to 45 passengers	[450.50] 599.00

301.061. The annual registration fee for passenger-carrying local commercial motor		
2	vehicles based on seating capacity is:	
3	10 passengers or less	\$ [50.50] 67.00
4	11 to 18 passengers	[90.50] 120.50
5	19 to 25 passengers	[125.50] 167.00
6	26 to 29 passengers	[145.50] 193.50

7	30 to 33 passengers	[165.50] 220.00
8	34 to 37 passengers	[185.50] 247.00
9	38 to 41 passengers	[205.50] 273.50
10	42 to 45 passengers	[225.50] 300.00

301.063. The annual registration fee for local transit buses based on seating capacity is:

2	40 passengers or less	\$ [25.50] 34.00
3	41 to 45 passengers	[35.50] 47.00
4	Over 45 passengers	[50.50] 67.00

301.065. The annual registration fee for each school bus, [twenty-five] **thirty-four** dollars[, fifty cents].

301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of [seven] **ten** dollars [fifty cents], and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the motor carrier and railroad safety division of the department of economic development. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of [twenty-two] **thirty** dollars [and fifty cents].

3. Any trailer or semitrailer which is operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by a trailer converter dolly may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442.

301.069. For each driveaway license there shall be paid an annual license fee of [forty-four] **fifty-nine** dollars [and fifty cents] for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. For single trips the fee shall be [four] **five** dollars **and fifty cents**, and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations.

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment

6	provisions or a court-ordered supervision as provided in	
7	section 302.303	2 points
8	(except any violation of municipal stop sign ordinance where no accident	
9	is involved	1 point)
10	(2) Speeding	
11	In violation of a state law	3 points
12	In violation of a county or municipal ordinance	2 points
13	(3) Leaving the scene of an accident in violation of	
14	section 577.060, RSMo	12 points
15	In violation of any county or municipal ordinance	6 points
16	(4) Careless and imprudent driving:	
17	(a) When an accident results in which any person suffers serious	
18	physical injury, in violation of subsection 2 of section 304.012, or dies	8 points;
19	(b) When an accident results in which any person suffers moderate	
20	physical injury, in violation of subsection 3 of section 304.012	6 points;
21	(c) In violation of subsection 4 of section 304.016,	
22	RSMo	4 points
23	(d) In violation of a county or municipal	
24	ordinance	2 points
25	(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection	
26	1 of section 302.020:	
27	(a) For the first conviction	2 points
28	(b) For the second conviction	4 points
29	(c) For the third conviction	6 points
30	(6) Operating with a suspended or revoked license prior to restoration	
31	of operating privileges	12 points
32	(7) Obtaining a license by misrepresentation	12 points
33	(8) For the first conviction of driving while in an intoxicated	
34	condition or under the influence of controlled substances or drugs	8 points
35	(9) For the second or subsequent conviction of any of the following	
36	offenses however combined: driving while in an intoxicated condition,	
37	driving under the influence of controlled substances or drugs or driving with	
38	a blood alcohol content of [ten-hundredths] eight-hundredths of one percent	
39	or more by weight	12 points
40	(10) For the first conviction for driving with blood alcohol content [ten-hundredths]	
41	eight-hundredths of one percent or more by weight	

42 In violation of state law 8 points
43 In violation of a county or municipal ordinance or federal
44 law or regulation 8 points
45 (11) Any felony involving the use of a motor vehicle 12 points
46 (12) Knowingly permitting unlicensed operator to operate a
47 motor vehicle 4 points
48 (13) For a conviction for failure to maintain financial
49 responsibility pursuant to county or municipal ordinance or pursuant to
50 section 303.025, RSMo 4 points
51 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
52 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
53 302.020, when the director issues such operator a license or permit pursuant to the provisions
54 of sections 302.010 to 302.340.
55 3. An additional two points shall be assessed when personal injury or property damage
56 results from any violation listed in subsection 1 of this section and if found to be warranted and
57 certified by the reporting court.
58 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
59 section constitutes both a violation of a state law and a violation of a county or municipal
60 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
61 offense arising out of the same occurrence could be construed to be a violation of subdivisions
62 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
63 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
64 offenses arising out of the same occurrence.
65 5. The director of revenue shall put into effect a system for staying the assessment of
66 points against an operator. The system shall provide that the satisfactory completion of a
67 driver-improvement program or, in the case of violations committed while operating a
68 motorcycle, a motorcycle- rider training course approved by the director of the department of
69 public safety, by an operator, when so ordered and verified by any court having jurisdiction over
70 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
71 violation committed in a commercial motor vehicle as defined in section 302.700, shall be
72 accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision
73 (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the
74 purposes of this subsection, the driver-improvement program shall meet or exceed the standards
75 of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a
76 violation which occurred during the operation of a motorcycle, the program shall meet the
77 standards established by the director of the department of public safety pursuant to sections

78 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider
79 training course shall not be accepted in lieu of points more than one time in any thirty-six-month
80 period and shall be completed within sixty days of the date of conviction in order to be accepted
81 in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions
82 of this subsection shall, within fifteen days after completion of the driver- improvement program
83 or motorcycle-rider training course by an operator, forward a record of the completion to the
84 director, all other provisions of the law to the contrary notwithstanding. The director shall
85 establish procedures for record keeping and the administration of this subsection.

302.505. 1. The department shall suspend or revoke the license of any person upon its
2 determination that the person was arrested upon probable cause to believe such person was
3 driving a motor vehicle while the alcohol concentration in the person's blood, breath, or urine
4 was [ten-hundredths] **eight-hundredths** of one percent or more by weight, based on the
5 definition of alcohol concentration in section 302.500, or where such person was less than
6 twenty-one years of age when stopped and was stopped upon probable cause to believe such
7 person was driving while intoxicated in violation of section 577.010, RSMo, or driving with
8 excessive blood alcohol content in violation of section 577.012, RSMo, or upon probable cause
9 to believe such person violated a state, county or municipal traffic offense and such person was
10 driving with a blood alcohol content of two-hundredths of one percent or more by weight.

11 2. The department shall make a determination of these facts on the basis of the report of
12 a law enforcement officer required in section 302.510, and this determination shall be final
13 unless a hearing is requested and held. If a hearing is held, the department shall review the
14 matter and make a final determination on the basis of evidence received at the hearing.

15 3. The determination of these facts by the department is independent of the determination
16 of the same or similar facts in the adjudication of any criminal charges arising out of the same
17 occurrence. The disposition of those criminal charges shall not affect any suspension or
18 revocation under this section.

302.510. 1. Except as provided in subsection 3 of this section, a law enforcement officer
2 who arrests any person for a violation of any state statute related to driving while intoxicated or
3 for a violation of a county or municipal ordinance prohibiting driving while intoxicated or a
4 county or municipal alcohol related traffic offense, and in which the alcohol concentration in the
5 person's blood, breath, or urine was [ten-hundredths] **eight-hundredths** of one percent or more
6 by weight or two-hundredths of one percent or more by weight for anyone less than twenty-one
7 years of age, shall forward to the department a verified report of all information relevant to the
8 enforcement action, including information which adequately identifies the arrested person, a
9 statement of the officer's grounds for belief that the person violated any state statute related to
10 driving while intoxicated or was less than twenty-one years of age and was driving with

11 two-hundredths of one percent or more by weight of alcohol in the person's blood, or a county
12 or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol
13 related traffic offense, a report of the results of any chemical tests which were conducted, and
14 a copy of the citation and complaint filed with the court.

15 2. The report required by this section shall be made on forms supplied by the department
16 or in a manner specified by regulations of the department.

17 3. A county or municipal ordinance prohibiting driving while intoxicated or a county or
18 municipal alcohol related traffic offense may not be the basis for suspension or revocation of a
19 driver's license pursuant to sections 302.500 to 302.540, unless the arresting law enforcement
20 officer, other than an elected peace officer or official, has been certified by the director of the
21 department of public safety pursuant to the provisions of sections 590.100 to 590.180, RSMo.

302.520. 1. Whenever the chemical test results are available to the law enforcement
2 officer while the arrested person is still in custody, and where the results show an alcohol
3 concentration of [ten-hundredths] **eight-hundredths** of one percent or more by weight of alcohol
4 in such person's blood or where such person is less than twenty-one years of age and the results
5 show that there is two-hundredths of one percent or more of alcohol in the person's blood, the
6 officer, acting on behalf of the department, shall serve the notice of suspension or revocation
7 personally on the arrested person.

8 2. When the law enforcement officer serves the notice of suspension or revocation, the
9 officer shall take possession of any driver's license issued by this state which is held by the
10 person. When the officer takes possession of a valid driver's license issued by this state, the
11 officer, acting on behalf of the department, shall issue a temporary permit which is valid for
12 fifteen days after its date of issuance and shall also give the person arrested a notice which shall
13 inform the person of all rights and responsibilities pursuant to sections 302.500 to 302.540. The
14 notice shall be in such form so that the arrested person may sign the original as evidence of
15 receipt thereof. The notice shall also contain a detachable form permitting the arrested person
16 to request a hearing. Signing the hearing request form and mailing such request to the
17 department shall constitute a formal application for a hearing.

18 3. A copy of the completed notice of suspension or revocation form, a copy of any
19 completed temporary permit form, a copy of the notice of rights and responsibilities given to the
20 arrested person, including any request for hearing, and any driver's license taken into possession
21 pursuant to this section shall be forwarded to the department by the officer along with the report
22 required in section 302.510.

23 4. The department shall provide forms for notice of suspension or revocation, for notice
24 of rights and responsibilities, for request for a hearing and for temporary permits to law
25 enforcement agencies.

302.541. 1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a determination, pursuant to section 302.505, or section 577.010, 577.012, 577.041 or 577.510, RSMo, or any county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney, that such person was driving while intoxicated or with a blood alcohol content of [ten-hundredths] **eight-hundredths** of one percent or more by weight or, where such person was at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars prior to the reinstatement or reissuance of the license.

2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525.

304.012. 1. Every person operating a motor vehicle on the roads and highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

2. [Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved then it shall be a class A misdemeanor.] **Every person operating a motor vehicle on the roads and highways of this state shall operate the vehicle in a careful and prudent manner and at a rate of speed so as not to cause serious physical injury, as defined in section 556.061, RSMo, of any person.**

3. **Every person operating a motor vehicle on the roads and highways of this state shall operate the vehicle in a careful and prudent manner and at a rate of speed so as not to cause moderate physical injury, as defined in section 556.061, RSMo, of any person.**

4. **Any person who violates the provisions of subsection 1 of this section shall be guilty of a class B misdemeanor.**

5. **Any person who violates the provisions of subsection 2 or 3 of this section shall be guilty of a class A misdemeanor.**

556.061. In this code, unless the context requires a different definition, the following shall apply:

(1) "Affirmative defense" has the meaning specified in section 556.056;

(2) "Burden of injecting the issue" has the meaning specified in section 556.051;

(3) "Commercial film and photographic print processor", any person who develops

6 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
7 or slides, for compensation. The term commercial film and photographic print processor shall
8 include all employees of such persons but shall not include a person who develops film or makes
9 prints for a public agency;

10 (4) "Confinement":

11 (a) A person is in confinement when such person is held in a place of confinement
12 pursuant to arrest or order of a court, and remains in confinement until:

13 a. A court orders the person's release; or

14 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

15 c. A public servant having the legal power and duty to confine the person authorizes his
16 release without guard and without condition that he return to confinement;

17 (b) A person is not in confinement if:

18 a. The person is on probation or parole, temporary or otherwise; or

19 b. The person is under sentence to serve a term of confinement which is not continuous,
20 or is serving a sentence under a work-release program, and in either such case is not being held
21 in a place of confinement or is not being held under guard by a person having the legal power
22 and duty to transport the person to or from a place of confinement;

23 (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not
24 constitute consent if:

25 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
26 to constitute the offense and such mental incapacity is manifest or known to the actor; or

27 (b) It is given by a person who by reason of youth, mental disease or defect, or
28 intoxication, is manifestly unable or known by the actor to be unable to make a reasonable
29 judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

30 (c) It is induced by force, duress or deception;

31 (6) "Criminal negligence" has the meaning specified in section 562.016, RSMo;

32 (7) "Custody", a person is in custody when the person has been arrested but has not been
33 delivered to a place of confinement;

34 (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first
35 degree, forcible rape, forcible sodomy, kidnapping, murder in the second degree and robbery in
36 the first degree;

37 (9) "Dangerous instrument" means any instrument, article or substance, which, under the
38 circumstances in which it is used, is readily capable of causing death or other serious physical
39 injury;

40 (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from
41 which a shot, readily capable of producing death or serious physical injury, may be discharged,

42 or a switchblade knife, dagger, billy, blackjack or metal knuckles;
43 (11) "Felony" has the meaning specified in section 556.016;
44 (12) "Forcible compulsion" means either:
45 (a) Physical force that overcomes reasonable resistance; or
46 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
47 physical injury or kidnapping of such person or another person;
48 (13) "Incapacitated" means that physical or mental condition, temporary or permanent,
49 in which a person is unconscious, unable to appraise the nature of such person's conduct, or
50 unable to communicate unwillingness to an act. A person is not incapacitated with respect to an
51 act committed upon such person if he or she became unconscious, unable to appraise the nature
52 of such person's conduct or unable to communicate unwillingness to an act, after consenting to
53 the act;
54 (14) "Infraction" has the meaning specified in section 556.021;
55 (15) "Inhabitable structure" has the meaning specified in section 569.010, RSMo;
56 (16) "Knowingly" has the meaning specified in section 562.016, RSMo;
57 (17) "Law enforcement officer" means any public servant having both the power and
58 duty to make arrests for violations of the laws of this state, and federal law enforcement officers
59 authorized to carry firearms and to make arrests for violations of the laws of the United States;
60 (18) "Misdemeanor" has the meaning specified in section 556.016;
61 (19) **"Moderate physical injury" means physical injury requiring medical attention**
62 **at a hospital;**
63 (20) "Offense" means any felony, misdemeanor or infraction;
64 [(20)] (21) "Physical injury" means physical pain, illness, or any impairment of physical
65 condition;
66 [(21)] (22) "Place of confinement" means any building or facility and the grounds thereof
67 wherein a court is legally authorized to order that a person charged with or convicted of a crime
68 be held;
69 [(22)] (23) "Possess" or "possessed" means having actual or constructive possession of
70 an object with knowledge of its presence. A person has actual possession if such person has the
71 object on his or her person or within easy reach and convenient control. A person has
72 constructive possession if such person has the power and the intention at a given time to exercise
73 dominion or control over the object either directly or through another person or persons.
74 Possession may also be sole or joint. If one person alone has possession of an object, possession
75 is sole. If two or more persons share possession of an object, possession is joint;
76 [(23)] (24) "Public servant" means any person employed in any way by a government of
77 this state who is compensated by the government by reason of such person's employment, any

78 person appointed to a position with any government of this state, or any person elected to a
79 position with any government of this state. It includes, but is not limited to, legislators, jurors,
80 members of the judiciary and law enforcement officers. It does not include witnesses;

81 [(24)] (25) "Purposely" has the meaning specified in section 562.016, RSMo;

82 [(25)] (26) "Recklessly" has the meaning specified in section 562.016, RSMo;

83 [(26)] (27) "Ritual" or "ceremony" means an act or series of acts performed by two or
84 more persons as part of an established or prescribed pattern of activity;

85 [(27)] (28) "Serious emotional injury", an injury that creates a substantial risk of
86 temporary or permanent medical or psychological damage, manifested by impairment of a
87 behavioral, cognitive or physical condition. Serious emotional injury shall be established by
88 testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable
89 degree of medical or psychological certainty;

90 [(28)] (29) "Serious physical injury" means physical injury that creates a substantial risk
91 of death or that causes serious disfigurement or protracted loss or impairment of the function of
92 any part of the body;

93 [(29)] (30) "Sexual conduct" means acts of human masturbation; deviate sexual
94 intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals,
95 pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or
96 gratification;

97 [(30)] (31) "Sexual contact" means any touching of the genitals or anus of any person,
98 or the breast of any female person, or any such touching through the clothing, for the purpose of
99 arousing or gratifying sexual desire of any person;

100 [(31)] (32) "Sexual performance", any performance, or part thereof, which includes
101 sexual conduct by a child who is less than seventeen years of age;

102 [(32)] (33) "Voluntary act" has the meaning specified in section 562.011, RSMo.

577.010. 1. A person commits the crime of "driving while intoxicated" if he operates
2 a motor vehicle while in an intoxicated or drugged condition.

3 2. Driving while intoxicated is for the first offense, a class [B] A misdemeanor. No
4 person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted
5 a suspended imposition of sentence for such offense, unless such person shall be placed on
6 probation for a minimum of two years.

577.012. 1. A person commits the crime of "driving with excessive blood alcohol
2 content" if such person operates a motor vehicle in this state with [ten-hundredths] **eight-**
3 **hundredths** of one percent or more by weight of alcohol in such person's blood.

4 2. As used in this section, percent by weight of alcohol in the blood shall be based upon
5 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may

6 be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes
7 of determining the alcoholic content of a person's blood under this section, the test shall be
8 conducted in accordance with the provisions of sections 577.020 to 577.041.

9 3. For the first offense, driving with excessive blood alcohol content is a class [C] A
10 misdemeanor.

577.020. 1. Any person who operates a motor vehicle upon the public highways of this
2 state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to
3 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of
4 determining the alcohol or drug content of the person's blood pursuant to the following
5 circumstances:

6 (1) If the person is arrested for any offense arising out of acts which the arresting officer
7 had reasonable grounds to believe were committed while the person was driving a motor vehicle
8 while in an intoxicated or drugged condition; or

9 (2) If the person is under the age of twenty-one, has been stopped by a law enforcement
10 officer, and the law enforcement officer has reasonable grounds to believe that such person was
11 driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more
12 by weight; or

13 (3) If the person is under the age of twenty-one, has been stopped by a law enforcement
14 officer, and the law enforcement officer has reasonable grounds to believe that such person has
15 committed a violation of the traffic laws of the state, or any political subdivision of the state, and
16 such officer has reasonable grounds to believe, after making such stop, that such person has a
17 blood alcohol content of two-hundredths of one percent or greater; [or]

18 (4) If the person is under the age of twenty-one, has been stopped at a sobriety
19 checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that
20 such person has a blood alcohol content of two-hundredths of one percent or greater[.];

21 **(5) If the person, while operating a motor vehicle, has been involved in a motor**
22 **vehicle collision which resulted in a fatality or a readily apparent serious physical injury**
23 **as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance**
24 **of a Uniform Traffic Ticket for the violation of any state law or county or municipal**
25 **ordinance with the exception of equipment violations contained in chapter 306, RSMo, or**
26 **similar provisions contained in county or municipal ordinances; or**

27 **(6) If the person, while operating a motor vehicle, has been involved in a motor**
28 **vehicle collision which resulted in a fatality.**

29

30 The test shall be administered at the direction of the law enforcement officer whenever the
31 person has been arrested or stopped for any reason.

32 2. The implied consent to submit to the chemical tests listed in subsection 1 of this
33 section shall be limited to not more than two such tests arising from the same arrest, incident or
34 charge.

35 3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid
36 pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to
37 methods approved by the state department of health by licensed medical personnel or by a person
38 possessing a valid permit issued by the state department of health for this purpose.

39 4. The state department of health shall approve satisfactory techniques, devices,
40 equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to
41 577.041 and shall establish standards to ascertain the qualifications and competence of
42 individuals to conduct analyses and to issue permits which shall be subject to termination or
43 revocation by the state department of health.

44 5. The person tested may have a physician, or a qualified technician, chemist, registered
45 nurse, or other qualified person at the choosing and expense of the person to be tested, administer
46 a test in addition to any administered at the direction of a law enforcement officer. The failure
47 or inability to obtain an additional test by a person shall not preclude the admission of evidence
48 relating to the test taken at the direction of a law enforcement officer.

49 6. Upon the request of the person who is tested, full information concerning the test shall
50 be made available to [him] **such person**.

51 7. Any person given a chemical test of the person's breath pursuant to subsection 1 of
52 this section or a field sobriety test may be videotaped during any such test at the direction of the
53 law enforcement officer. Any such video recording made during the chemical test pursuant to
54 this subsection or a field sobriety test shall be admissible as evidence at either any trial of such
55 person for either a violation of any state law or county or municipal ordinance, or any license
56 revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo.

577.037. 1. Upon the trial of any person for violation of any of the provisions of section
2 565.024, RSMo, or section 565.060, RSMo, or section 577.010 or 577.012, or upon the trial of
3 any criminal action or violations of county or municipal ordinances or in any license suspension
4 or revocation proceeding pursuant to the provisions of chapter 302, RSMo, arising out of acts
5 alleged to have been committed by any person while driving a motor vehicle while in an
6 intoxicated condition, the amount of alcohol in the person's blood at the time of the act alleged
7 as shown by any chemical analysis of the person's blood, breath, saliva or urine is admissible in
8 evidence and the provisions of subdivision (5) of section 491.060, RSMo, shall not prevent the
9 admissibility or introduction of such evidence if otherwise admissible. If there was
10 [ten-hundredths] **eight-hundredths** of one percent or more by weight of alcohol in the person's
11 blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen

12 was taken.

13 2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per
14 one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

15 3. The foregoing provisions of this section shall not be construed as limiting the
16 introduction of any other competent evidence bearing upon the question whether the person was
17 intoxicated.

18 4. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise
19 to the presumption or to have the effect provided for in subsection 1 of this section, shall have
20 been performed as provided in sections 577.020 to 577.041 and in accordance with methods and
21 standards approved by the state department of health.

22 5. Any charge alleging a violation of section 577.010 or 577.012 or any county or
23 municipal ordinance prohibiting driving while intoxicated or driving under the influence of
24 alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood,
25 saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated
26 thereunder by the state department of health demonstrate that there was less than
27 [ten-hundredths] **eight-hundredths** of one percent of alcohol in the defendant's blood unless one
28 or more of the following considerations cause the court to find a dismissal unwarranted:

29 (1) There is evidence that the chemical analysis is unreliable as evidence of the
30 defendant's intoxication at the time of the alleged violation due to the lapse of time between the
31 alleged violation and the obtaining of the specimen;

32 (2) There is evidence that the defendant was under the influence of a controlled
33 substance, or drug, or a combination of either or both with or without alcohol; or

34 (3) There is substantial evidence of intoxication from physical observations of witnesses
35 or admissions of the defendant.

Section B. Sections 142.803, 142.804, 144.020, 144.440, 144.700, 226.200, 226.1000,
2 226.1010, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067 and 301.069
3 are hereby submitted to the qualified voters of this state for approval or rejection at a special
4 election to be called by the governor for that purpose or at a general election to be conducted no
5 later than the first Tuesday in November 2002, pursuant to the laws and constitutional provisions
6 of this state applicable to elections. Sections 142.803, 142.804, 144.020, 144.440, 144.700,
7 144.805, 226.1000 and 226.1010 shall become effective on the first day of the month of the next
8 calendar quarter after the provisions have been approved by voters. Sections 301.055, 301.057,
9 301.058, 301.059, 301.061, 301.063, 301.065, 301.067 and 301.069 shall become effective on
10 the first day of the month four months following the month the provisions have been approved
11 by voters.

Section C. The additional revenue provided by sections 142.803, 142.804, 144.020,

2 144.440, 144.700, 144.805, 226.200, 226.1000, 226.1010, 227.025, 227.100, 227.107, 301.055,
3 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.302, 302.505,
4 302.510, 302.520, 302.541, 577.010, 577.012 and 577.037 of this act shall not be part of the
5 "total state revenue" within the meaning of sections 17 and 18 of article X of this Constitution.
6 The expenditure of this revenue shall not be an "expense of state government" under section 20
7 of article X of this Constitution.

Section D. At the general election on the first Tuesday in November 2012, and every ten
2 years thereafter, the secretary of state shall submit to the electors of this state the question "Shall
3 the additional revenues for transportation be renewed and extended for ten years?". If a majority
4 of the votes cast thereon is for the affirmative the additional revenues shall be continued. If a
5 majority of the votes cast thereon is for the negative, the decennial referendum provision of this
6 section, the rates included in sections 142.803, 142.804, 144.020, 144.440, 301.055, 301.057,
7 301.058, 301.059, 301.061, 301.063, 301.065, 301.067 and 301.069, and sections 144.700,
8 226.200, 226.1000, 226.1010 directing deposit and use of revenues pursuant to this act shall
9 expire on July first following the election and return to the provisions in effect on January 1,
10 2001.